

Dead Man Talking: James Boswell, Ghostwriting, and the Dying Speech of John Reid

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ABSTRACT This essay examines lawyer and biographer James Boswell's anonymously published broadside, *The Mournful Case of Poor Misfortunate and Unhappy John Reid* (1774). Drawing on and subverting the generic conventions of the "dying speech," Boswell's unauthorized account of Reid presents his condemned client as a living ghost. Anticipating his treatment of Samuel Johnson in the *Life* (1791), Boswell's deployment of this supernatural conceit ameliorates the inconsistencies of Reid's character by configuring the otherwise morally questionable and "unfeeling" criminal as an idealized and sympathetic biographical subject. The broadside was not only an attempt to redeem Reid's character and concomitantly Boswell's own role in defending Reid for posterity, but also reveals the limitations and complacencies of eighteenth-century criminal literature and its connection with legal practice. **KEYWORDS:** criminal biography; eighteenth-century British legal practice; sheep stealing; print culture of dying speeches; Boswell as lawyer and biographer

☞ ON SEPTEMBER 10, 1774, THE STREETS of Edinburgh reverberated to the "cries" of the ghost of John Reid, a butcher from Hillend who had been convicted of stealing nineteen sheep.¹ Reid had been due to hang three days earlier, at the Grassmarket on September 7, 1774. The execution, however, was not carried out until September 21, 1774—nearly two weeks after Reid's phantasmal speech, *The Mournful Case of Poor Misfortunate and Unhappy John Reid*, had been printed and "hawked about the streets" of Scotland's capital (*Defence*, 306).² Of the printed accounts prompted by

1. James Boswell, *Boswell for the Defence, 1769–1774*, ed. William K. Wimsatt Jr. and Frederick A. Pottle (New York, 1959), 318. Further references to this edition will be to *Defence* and will be given in the text. Reid's ghostly broadside plays on the secondary meaning of "cry": "To announce publicly so as to be heard by all concerned; to give oral public notice of, to proclaim; to appoint or ordain by proclamation." See *OED* online, 2nd ed., s.v. "cry, v."

2. *The Mournful Case of Poor Misfortunate and Unhappy John Reid* is reprinted in *Defence*, 308–9.

Reid's execution, including *The Last Speech, Confession and Dying Words of John Reid* (1774), also by Boswell, *The Mournful Case* is the only one to have been published prior to Reid's death. An anomaly in the eighteenth-century genre of "dying speeches," which reported the final words of condemned criminals following their executions, *The Mournful Case* subverts generic convention by presenting the broadside as "taken from [the] mouth" of a living criminal subject (*Defence*, 318). The broadside begins by reminding the reader that Reid is currently "lying under sentence of death in the Tol-booth" prison before refashioning him as a post-mortem presence. Boswell speaks for the prisoner:

This is the very day on which I was doomed to die; and had it not been for the mercy of our most gracious Sovereign, whom GOD long bless and preserve, I should by this time have been a miserable spectacle, and my last speech crying dolefully through the streets of this city. O! listen then unto me, while I am yet in the land of the living, and think that it is my GHOST speaking unto you! (*Defence*, 308)

This opening paragraph highlights the otherworldly nature of printed dying speeches, which preserve the disembodied words of deceased malefactors as voices from beyond the grave. *The Mournful Case* aligns Reid with these liminal speakers, constructing him as a living ghost suspended between this world and the next, theatrically positioned to deliver a dramatic plea for the reader to aid in Reid's exoneration. While *The Mournful Case* purports to render a truthful account of Reid's innocence, this claim is undermined by the broadside's flagrant departure from verisimilitude and the rhetoric used by its ghostwriter, James Boswell. In revolutionizing the genre of the dying speech, Boswell not only experiments with the representation of biographical character, anticipating his most enduring and celebrated work, *The Life of Samuel Johnson, LL.D* (1791), but also reveals the limitations, inconsistencies, and complacencies underlying criminal literature and its connection with legal practice.

For Boswell, authoring *The Mournful Case* united his twin vocations of lawyer and life writer and provided him with the opportunity to redress his failed defense of Reid in the courtroom. The 1774 Reid trial was especially significant to Boswell because it gave him a unique opportunity to exculpate his client and save him from execution *twice*. Eight years previously, Reid had been brought to trial, and into Boswell's acquaintance as his first criminal client, for the theft of one hundred and twenty sheep. Although Boswell succeeded in securing an acquittal for Reid in December 1766, he was unable to deliver a repeat performance. In a conscious attempt to keep personal and professional records separate, Boswell initially restricted his writing on Reid to a summary of the court proceedings in the *Register of Criminal Trials* (*Defence*, 236–38).³ Shortly after the trial, however, Boswell's emotional investment in

3. Gordon Turnbull, "Boswell and Sympathy: The Trial and Execution of John Reid," in *New Light on Boswell: Critical and Historical Essays on the Occasion of the Bicentenary of The Life of Johnson*, ed. Greg Clingham (New York, 1991), 107; and Colby H. Kullman, "Boswell's Account of the 'Flesher of Hillend': A Total Plan for a Criminal Drama," *Ball State University Forum* 23, no. 3 (1982): 25.

his client's fate caused the case to intrude into his private journal in the form of a gothitized account of Reid's final days on earth, which dominated nearly all the entries for August and September 1774. These journal entries form the basis for *The Mournful Case* and offer crucial insights into Boswell's early biographical processes. He struggles with the demands of representation, form, genre, and his compulsion "to know the truth" in compiling and editing Reid's narrative for publication (*Defence*, 304).

Even before the ghost of Reid materializes in broadside form, the August and September journal entries are haunted by Boswell's literal and figurative constructions of the afterlife. The journal reveals that, at the behest of Reid's wife, Boswell had undertaken the task of petitioning the king to commute Reid's sentence from execution to transportation, requiring him to continue to defend Reid well after his official role as Reid's advocate had ended. At the same time, Boswell discloses his doubt that the king would commute the sentence and, in his anxiety to prepare Reid for death and the literal afterlife, takes on the dichotomous roles of criminal biographer and "lay teacher who humanely attends all the people under sentence of death" (*Defence*, 284).⁴ In the mode of biographer, Boswell stresses his commitment to seeking and interpreting evidence that would exculpate Reid and redeem his client's earthly reputation. Nevertheless, Boswell's faith in Reid's innocence is compromised by feelings of terror over the fate of his client's soul, prompting Boswell to press Reid for a confession of guilt that could secure his salvation in the hereafter.

Boswell's entries on Reid, as Gordon Turnbull suggests, can be read as a project of biographical recovery in that they seek to recuperate Reid's reputation from criminal indictment as "a person of bad fame, habit, and repute a sheepstealer" (*Defence*, 240).⁵ Indeed, Boswell in his journal is inclined toward a sympathetic portrayal of Reid; however, he by no means presents a consistent character sketch to challenge that offered by the prosecution.⁶ Punctuated by morally fraught encounters with Reid, whose ignorance, dubious ethics, and "very unfeeling" behavior undermine Boswell's efforts to vindicate him, the journal does not form a cohesive, exculpatory narrative but rather functions as working notes for a prospective, published account (*Defence*, 305).⁷ A detailed examination of *The Mournful Case* and its thematically corresponding journal entries reveals that Boswell uses judicious editing to mediate, and so harmonize, Reid's contradictory character: a process of compilation and revision that mirrors Boswell's composition of the *Life*.⁸ While Boswell may have been driven by sentiment for his first criminal client and, as Katherine Ellison argues, prompted by the

4. This is how Boswell describes Alexander Ritchie, an independent lay preacher who ministered to Reid in prison. Boswell, in his preoccupation with his client's spiritual fate, usurps and, at times, undermines Ritchie's role.

5. Turnbull, "Boswell and Sympathy," 105–14.

6. Heather Masri, "Counsel for the Defence: Boswell Represents Johnson" (PhD diss., NYU, 1997).

7. Kullman also interprets these journal entries as draft notes, arguing that they represent Boswell's plan for a criminal drama. See "Flesher of Hillend," 25; and "James Boswell, Compassionate Lawyer and Harsh Criminologist: A Divided Self," *Studies on Voltaire and the Eighteenth Century* 217 (1983): 205.

8. For a discussion of Boswell's revisions regarding Johnson's character in the *Life*, see Felicity Nussbaum, "Boswell's Treatment of Johnson's Temper: 'A Warm West-Indian Climate,'" *SEL* 14, no. 3 (1974): 426–28.

clinical fear of death he termed “hypochondria” to save Reid for posterity in print, the innocent Reid recorded in *The Mournful Case* is several removes from its source and lends more shade than substance to its biographical subject.⁹

Using Reid’s ghost as a fictional trope in *The Mournful Case*, Boswell both critiques the limitations of form and manipulates the generic conventions of the criminal biography. The narratives offered by such collections as *The Newgate Calendar, or Malefactor’s Bloody Register* (ca. 1771) and *A Select and Impartial Account of the Lives, Behaviour, and Dying Words, of the Most Remarkable Convicts* (1760) seldom depict convicted and executed felons as innocent.¹⁰ Valorizing the exploits of dashing criminals or spiritually reconfiguring convicts as repentant sinners, these accounts offer their lives as, respectively, diverting or moralizing cautionary tales for the law-abiding public.¹¹ Yet, the serialized and formulaic narratives of these collections and the brief, often fragmentary nature of criminal accounts in newspapers, pamphlets, and broadsides also work to circumscribe these biographies to the narrow and impersonal limits of a textual prison cell.¹² Boswell, instead, focuses on the human cost of the penal system in *The Mournful Case*, seeking to elicit both terror and sympathy from the broadside’s readership. By lionizing Reid’s specter, Boswell neither betrays his promise to “assist / him [Reid] . . . in obtaining / ~~Happiness~~ mercy in the / World which is to come,” nor compromises his truth-seeking conscience.¹³ In their relationship to *The Mournful Case*, Boswell’s journal entries function as a testing ground for his effective and affective representation of Reid. These journal entries reveal further that Boswell’s process of revision brought the inarticulate, uncharismatic, and morally questionable Reid in line with the roguish, yet irreproachable heroes that Boswell idolized, such as Macheath from John Gay’s *Beggar’s Opera*.¹⁴ In this essay, I trace the development of Boswell’s textual revisions of Reid, including the attempts to morally censure and verbally censor his client, as the advocate sought to legitimize the condemned sheep stealer as a biographical subject worth saving.

9. Boswell’s definition of “hypochondria” differs from the traditional and correct usage of this medical term. See Katherine Ellison, “James Boswell’s Revisions of Death as ‘The Hypochondriak’ and in His London Journals,” *Eighteenth-Century Fiction* 21, no. 1 (2008): 48, 52–53.

10. The standard text, upon which all subsequent editions of *The Newgate Calendar* are based, dates from either 1771 or 1773. See *The Newgate Calendar, or Malefactor’s Bloody Register*, ed. Sandra Lee Kerman (New York, 1962), iv.

11. Lincoln B. Faller, *Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeenth- and Early Eighteenth-Century England* (New York, 1987), 3–5.

12. John Bender, *Imagining the Penitentiary: Fiction and the Architecture of Mind in Eighteenth-Century England* (Chicago, 1987), 1–2; Faller, *Turned to Account*, x; Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York, 1977), 67–68.

13. Boswell, “Inscription for a religious book, probably a Bible, to be given to John Reid [?1766],” Boswell Collection, GEN MSS 89 48:1034 (M125), Beinecke Rare Books and Manuscript Library, Yale University, New Haven, Conn. (hereafter cited as Boswell Collection).

14. Boswell’s idealization of the gentleman highwayman has been thoroughly explored, most recently by Erin Mackie, who asserts that Boswell’s concept of masculinity is based on the personae of Macheath and Mr. Spectator. See Mackie, *Rakes, Highwaymen, and Pirates: The Making of the Modern Gentleman in the Eighteenth Century* (Baltimore, 2009), 84–85. For a discussion of Boswell’s fascination

☞ “I could write in stronger terms than I could speak”

In 1770, Boswell published a series of three essays entitled “Remarks on the Profession of a Player” in *The London Magazine*. These essays articulate his theories regarding theatrical performance by comparing actors to barristers. Boswell asserts that the success of a legal defense, like acting on the stage, depends on the believable representation of character:

He must assume in a strong degree the character which he represents, while he at the same time retains the consciousness of his own character. The feelings and passions of the character which he represents, must take full possession as it were of the antichamber of his mind, while his own character remains in the innermost recess. This is experienced in some measure by the barrister who enters warmly into the cause of his client, while at the same time, when he examines himself coolly, he knows that he is much in the wrong, and does not even wish to prevail.¹⁵

This comparison illustrates that maintaining an operational distance between private self and public role, which Boswell terms “double feeling,” is integral to the professions of both player and lawyer.¹⁶ Boswell actualizes this “double feeling” both in committing himself to a vocation that he once claimed was “a profession where you do no good” and in using deliberately passionate oratory in the courtroom to defend the good character of even his most questionable clients.¹⁷ For example, when Thomas Gray, a poor Chelsea pensioner, is brought to trial on July 26, 1773, for the murder of a friend, whom Gray had stabbed in a “sudden frenzy,” Boswell’s defense focuses on circumstantial evidence supporting Gray’s assertion that the crime was unintentional (*Defence*, 191). Boswell appeals to the sympathies of his audience by arguing that his client was of “weak intellects” due to intoxication and earlier provocation by a mob of youths, and was thus unable to “judge between right and wrong” (*Defence*, 192). In his defense of such clients, Boswell predicates his legal strategy on a notion of justice that privileges intent over the question of whether the crime was actually committed.¹⁸ This allows him to construct

with the theatrical performance of Macheath, see David W. Tarbet’s introduction to James Boswell, *A View of the Edinburgh Theatre during the Summer Season, 1759 (1760)*, Augustan Reprint Society 179 (Los Angeles, 1976), i–viii.

15. Boswell, “Remarks on the Profession of a Player: Essay II,” *The London Magazine*, September 1770, 469–70.

16. “Player,” 470. For a discussion of public character and the private self in regard to “Remarks on the Profession of a Player,” see Felicity Nussbaum, *The Autobiographical Subject: Gender and Ideology in Eighteenth-Century England* (Baltimore, 1989), 108–9. Also see Turnbull, “Boswell and Sympathy,” 106, for an interpretation of “double feeling.”

17. Boswell, *London Journal, 1762–1763*, ed. Gordon Turnbull (New York, 2010), 42. William K. Wimsatt and Frederick A. Pottle refer to Boswell as a “self-appointed public defender” (*Defence*, xvi).

18. Sandra Macpherson argues that, during the eighteenth century, ideas about legal and moral responsibility were in flux. In regard to liability law, legal responsibility for harm usually outweighed the defendant’s intent when involved in a crime or accident. See *Harm’s Way: Tragic Responsibility and the Novel Form* (Baltimore, 2010), 21–24.

an alternate, capacious definition of innocence that relies upon the narrativization of character—the unfolding of the reasons and unfortunate circumstances leading to the client’s direct or indirect involvement in the crime—instead of the strict liability assigned by a literal interpretation of the law. The efficacy of this model of legal representation relied on the theatricality of Boswell’s oratory. As we shall see, Boswell’s use of dramatic oratory in the courtroom was not without flaws.

While the psychological model in “Profession of a Player” is convincing, Boswell’s actualization of this theory in the courtroom proved highly problematic. His appropriation of the courtroom metaphor from Adam Smith’s discussion of the “moral spectatorship of the self” in the *Theory of Moral Sentiments* (1759) evinces Boswell’s personal identification with his criminal clients.¹⁹ Although Boswell suggests that allowing transference to occur between client and counsel enables a lawyer to argue his defendant’s cause as passionately as his own, his enthusiasm for his client often made it impossible to consider his actions “coolly.”²⁰ The night before Reid’s 1774 trial, Boswell admits, “Notwithstanding my care to be cool, anxiety made me restless and hot before I went to bed.” Here Boswell confesses that his rational faculties are clouded by his emotions when his sympathy for Reid’s precarious situation makes him “uneasy” over the trial (*Defence*, 237). Boswell’s inability to regulate his feelings is indicative of the larger pitfalls of conflating legal and theatrical modes of representation. Whereas an actor on the stage may inhabit his role effectively by *becoming* “the character which he represents,” an advocate’s role requires him to speak *for*, not *as*, his client.²¹ Thus, Boswell’s species of oratorical performance is limited to presenting a client’s motivations, “feelings and passions,” but fails to temper impassioned rhetoric with the presentation and credible interpretation of evidence.²²

As a journal entry dated August 1, 1774, reveals, Boswell puts the theatrical rhetoric espoused by “Profession of a Player” to use, but with mixed results:

Having heard that a verdict was found against John Reid, I went to Walker’s Tavern, where the jury were met (I having first visited my client and intimated his fate to him), and being elated with the admirable appearance which I made in court, I was in such a frame as to think myself an Edmund Burke—and a man who united pleasanry and conversations with the abilities in business and powers as an orator. I enjoyed the applause which several individuals of the jury now gave me and the general attention with which I was treated. (*Defence*, 253)

In contrast to Boswell’s effusive self-congratulation, the parenthetical interjection reads as an ominous reference to an unsatisfactory verdict. Initially, it appears that

19. Turnbull, “Boswell and Sympathy,” 106–7.

20. “Player,” 470.

21. *Ibid.*, 469.

22. *Ibid.*, 469–70.

Boswell withholds the outcome of the trial to disguise the deficiencies of his performance, but his allusion to Edmund Burke belies any association of powerful oratory with convincing advocacy. Only four months previously, Boswell had seen Burke in parliamentary debates, noting, "his oratory rather tended to distinguish himself than to assist his cause. There was amusement instead of persuasion. It was like the exhibition of a favorite actor. I would have been happy to be him" (*Defence*, 161–62). As the simile indicates, Boswell recognizes in Burke the rhetorical shortcomings of theatricality, yet still extols the aesthetic virtues of his showy oratory. In this context, Boswell's comparison of his appearance in court to Burke's theatrics in Parliament suggests that Boswell's eloquence similarly "distinguishes" him as a lawyer, despite his inability to win Reid's case. Such a comparison enables Boswell to reconfigure professional failure as fulfilling his personal aspiration to *be* Burke, but it also reveals that his concept of effective oratory is at odds with what constitutes success in the courtroom.

During the 1774 trial, Boswell could not provide an exculpatory narrative for Reid that was sufficiently convincing to refute the prosecution's evidence: three of the nineteen sheep had been grazing in a park near Reid's house and two unstripped carcasses were found in his slaughterhouse. In addition, the prosecution summoned character witnesses to attest to Reid's "general reputation of sheep-stealer." Since this composite depiction of Reid's character ran counter to Boswell's defense of his client's innocence, the prosecution used it to emphasize the high probability that he committed the crime (*Defence*, 239, 247, 251).²³ In response to the prosecution, Boswell could only offer Reid's statement that he received the sheep from his neighbor, William Gardner, who shortly after Reid's arrest was imprisoned in Stirling for housebreaking and later transported to America. Boswell, however, did not substantiate Reid's claim by letting Gardner testify, not wanting to risk Gardner's testimony implicating Reid for the "reset of theft" (receiving goods knowing them to be stolen), although this was a lesser offense, punishable by transportation. Boswell's strategy left the jury with no other option than to decide between Reid's innocence and guilt in committing the capital crime of theft (*Defence*, 248, 250–51). The failure of Boswell's defense of Reid, then, was due to the advocate's overconfidence in his ability to portray his client's innocence without supporting evidence, such as Gardner's testimony.

In writing an account of Reid in his journal, and in petitioning the king to commute Reid's sentence to transportation, Boswell does not necessarily change tack but rather alters the medium of representation. Boswell admits that he could "write in stronger terms than [he] could speak" (*Defence*, 295). Indeed, it is not on the courtroom stage but on the page—in his letters to judges and influential members of the aristocracy, his "memorial upon the evidence," the declaration of Janet Reid, and the

23. The tactic used by the prosecution reflects the mid- to late eighteenth-century shift in the jury's appraisal of witness testimony from a reliance on the "moral certainty" of the witness to determining the persuasiveness of an account based on "reasonable doubt." See Matthew Wickman, *The Ruins of Experience: Scotland's "Romantick" Highlands and the Birth of the Modern Witness* (Philadelphia, 2007), 25–33.

petition for royal clemency itself—that Boswell is most successful at maintaining the “double feeling” necessary for a successful defense (*Defence*, 312). For example, we see Boswell navigating between private doubt and public conviction in his journal entries and correspondence dated August 10, 1774. In the journal, Boswell records a conversation with Reid in which he warned his client in his account for the petition to “say nothing as to the *facts* with which he was formerly charged. . . . His acknowledging that he had been guilty might hurt some unhappy panel [defendant] who was innocent.” Despite intimating uncertainty over Reid’s innocence, Boswell is able to defend his client’s cause “coolly” in a letter written to the Earl of Erroll the same day: “I really did not think the evidence against Reid sufficient to convict him; and I am afraid his suspicious character determined the jury, which I take to be a dangerous principle” (*Defence*, 264–65). Following his defense of Reid in court, Boswell emphasizes the unfair defamation of Reid’s character by the biased judges, but what John Milton characterizes as the “cool element of prose” gives Boswell the objective distance needed to support his assertions with evidence.²⁴ Over the course of drafting Reid’s petition, Boswell attempts to track down William Gardner for testimony and summons as a witness Reid’s wife, who supplies her husband with an alibi.²⁵ Boswell also provides in his “memorial” a legally satisfactory summation of the evidence in Reid’s favor, interpreting his client’s carelessness in allowing the sheep to be found on the Reid property as proof of his innocence (*Defence*, 250, 312–13). Boswell’s post-trial modifications of his legal strategy also parallel his revision of Reid’s character in his journal.

☞ The Study of a Man “under sentence of death”

His critical faculties sharpened by the temperate bounds of the page, Boswell is able to examine his client in the same manner with which he treats new evidence brought to the fore by the petition to the king for clemency. Following this process of collection and narrative reconstruction, Boswell compiles in his journal a study of Reid as a man “under sentence of death” (*Defence*, 288). These entries bear the influence of prior examples of the sympathetic and charismatic criminals that Boswell read accounts of in the pages of *The Lives of Convicts* or witnessed either on the stage of the Canongate Theatre (where the actor West Digges took the role of Macheath) or on the gallows of Newgate (where Paul Lewis, whom Boswell called “just a Macheath,” was rendered a tragic spectacle, unlike the fictional highwayman).²⁶ While Boswell is driven to write a criminal biography of Reid that would elicit sympathy from its reader, the inconsistencies in Boswell’s journal suggest that Boswell saw Reid not as a Macheath or Lewis, but as a Hannah Diego. Diego was the criminal executed alongside Lewis, who only

24. John Milton, *The Reason of Church Government*, in *John Milton: Complete Poems and Major Prose*, ed. Merritt Y. Hughes (Indianapolis, 2003), 667.

25. “Janet the wife of John Reid . . . affirmed that her said husband slept at home . . . the night on which it is alleged that he committed theft for which he is condemned” (*Defence*, 313–14).

26. *London Journal*, 211. Boswell admits, “In my younger years I had read in the lives of Convicts so much about Tyburn, that I had a sort of horrid eagerness to be there” (p. 211). For Boswell’s admiration of West Digges, see *A View of the Edinburgh Theatre*, i–viii, 20.

received one line of unsympathetic commentary from Boswell on May 3, 1763: "The Woman was a big unconcerned being."²⁷ Faced with a less-than-ideal subject, Boswell undertakes Reid's moral correction while searching for a correct medium of representation, bridging the gap between Reid, "a person of bad fame, habit, and repute a sheepstealer," and his specter in *The Mournful Case*, an innocent man haunted by false allegations and punished for a crime that he did not commit (*Defence*, 240).

Prior to Reid's execution, Boswell sought to tutor his client on death in order to address and redress Reid's questionable morality. When Reid misconstrues Boswell's advice to accept death as predestinarianism, Boswell is horrified. He subsequently chastises Reid's willingness to "submit to what was *foreordained* for him" by arguing that Reid alone is responsible for the consequences of his wicked behavior: "this would not have been *foreordained* for you if you had not stolen sheep, and that was not *foreordained*. God does not foreordain wickedness. Your bible tells you that" (*Defence*, 275–76). Boswell, partially motivated by a traumatic upbringing by his Calvinist mother, sought to persuade Reid to renounce the doctrine of predestination so that he could take responsibility for his earthly actions and exercise agency over his spiritual fate through repentance.²⁸ Prior to the earlier trial in 1766, Boswell had given a Bible to Reid that was inscribed with a dedication expressing a similar purpose. While Reid's copy of the Bible is untraced, Boswell's dedicatory inscription can be approximated using a draft found among Boswell's papers:

To John Reid
 an unhappy Prisoner
 From James Boswell
 one of his Council
 Who if He ~~does~~ cannot save him
 from punishment
 in this world
 hopes to assist
 him . . . in obtaining
~~Happiness~~ mercy in the
 World which is to
 Come.²⁹

This draft version of the inscription reveals Boswell's uncertainty regarding the outcome of the 1766 trial and anticipates his unwillingness to attribute the failure of the

27. *London Journal*, 211. The name is given as Dago in *The Newgate Calendar*. See *The Newgate Calendar*, ed. Kerman, 348–50.

28. For Boswell's Calvinist upbringing, see "Sketch of the Early Life of James Boswell, Written by Himself for Jean Jacques Rousseau, December 5, 1764," in *James Boswell: The Earlier Years, 1740–1769*, ed. Frederick A Pottle (New York, 1965), 1–6. Also see Turnbull's introduction to the *London Journal*, xxi–xxii.

29. Boswell, "Inscription for a religious book," Boswell Collection.

1774 trial to his advocacy in the courtroom. Boswell begins by replacing Reid's judicial fate as determined by forces outside the lawyer's control, substituting "does not," which suggests an unsatisfactory performance, with "cannot," which conveys only an inability to bring about a satisfactory verdict. When it comes to the afterlife, however, Boswell takes some responsibility for obtaining mercy (and even happiness) for his client. While Boswell's claim to further Reid's spiritual salvation in the "world to come" may initially sound presumptuous, he actualizes this promise in the alternative afterlife offered by the posterity of print. On the page, the mercy of God is transposed to the mercy of the reader, which Boswell seeks to elicit by rewriting Reid in *The Mournful Case* so that the sheep stealer conforms to the role of a pitiable condemned man.

Using the techniques that he honed in brief journal entries on previous condemned clients, Boswell attempts in meetings with Reid to shape the prisoner's thoughts by substituting for his client's inadequate fear of the "infernal horror" of hell-fire the corporeal, and more pressing, terror of execution.³⁰ Boswell finds it necessary to "familiarize [Reid's] mind" to the thought of execution when his client's tale about an acquaintance that "used to drink hard, till he *squeeled* like a *nowt*" conveys a lack of mental, as well as physical, sobriety: "Strange that a creature under sentence of death should tell such an anecdote and seem entertained" (*Defence*, 288). Finding that Reid has "never seen an execution," Boswell remedies Reid's ignorance with a morbid discussion that touches upon the difference between English and Scottish executions ("England . . . having a cart and ours having a ladder"), whether or not the executed feel pain ("I mentioned Maggy Dickson, who . . . was recovered, and said she felt no pain"), portents on execution days ("I asked . . . what was the meaning of pigeons flying when people were executed"), and the sympathy of the hangman ("I told him that the hangman was a humane creature, and shed tears for unhappy people when they were to be executed") (*Defence*, 288–90). But even these sobering thoughts are unable to transform Reid into the sympathetic figure that Boswell seeks to immortalize, prompting him to correct his subject from without, rather than from within.

The journal entries recounting Boswell's conversations with Reid often resort to paraphrase rather than purporting to record the dialogue between them. When Reid's voice does appear, it contrasts sharply with Boswell's heavy-handed editing and controlled narrative. Reid's speech is denoted as heavily accented, inarticulate, and full of Scotticisms (glossed with English words in parentheses); as William K. Wimsatt indicates, the glosses suggest that Boswell had "in mind some other audience than himself, an English-speaking audience" (*Defence*, 288n1).³¹ Also, Reid's appar-

30. *London Journal*, 61. For Boswell's journal entries on his other condemned clients, see Turnbull, "Boswell in Glasgow: Adam Smith, Moral Sentiments and the Sympathy of Biography," in *The Glasgow Enlightenment*, ed. Andrew Hook and Richard B. Sher (East Lothian, Scotland, 1995), 171–73.

31. For work on Boswell's Scottish dictionary, rediscovered in 2011, see James J. Caudle, "James Boswell (1740–1795) and His Design for *A Dictionary of the Scot[t]ish Language, 1764–1825*"; and Susan Rennie, "Boswell's Scottish Dictionary Rediscovered," *Dictionaries: Journal of the Dictionary Society of North America* 32 (2011): 1–32, 94–110.

ently unedited speech reveals problematic beliefs that call Reid's innocence and morality into question. A journal entry dated August 30, 1774, evinces what Boswell terms Reid's "crooked" logic, by providing in full the unsuccessful argument used by Reid to persuade his brother, Peter, to falsify testimony during the trial: "Peter mony (many) a lee (lie) I have telt (told) for you which I repent" (*Defence*, 287). This narrative slippage reveals that Reid does not see anything wrong with lying and could not be further from the wrongly convicted honest character that Boswell seeks to construct.

Boswell's desire to silence Reid's voice in order to provide an idealized image of his client can also be seen in Boswell's commission of a pictorial representation of Reid. Initially, Boswell considered having Reid's narrative depicted as a "Sheep-stealer's Progress in the manner of [William] Hogarth's historical prints." This idea was later superseded by "A curious whim" to have Reid's portrait painted. By choosing portraiture over Hogarthian sequential art, Boswell rejects the satiric and moralizing overtones of such graphic narratives for a romanticized image of his "first client in criminal business" (*Defence*, 283–84).³² Furthermore, Boswell's decision, in keeping with custom, not to provide Reid's name on the "fore (front) side" prevents the image from "speaking" for itself and revealing the identity of the sitter, leaving Boswell as the only source for information regarding the portrait. Foreshadowing the creation of Reid's fictional ghost in *The Mournful Case*, Boswell's commission of a silent, "striking likeness" of Reid "rais[es] a spectre" that Boswell alone can animate. Indeed, Boswell draws an uncanny parallel between Reid's execution, "Here is a man sitting for his picture who is to be hanged this day eight days," and the portrait hanging to dry, "When it was finished and hung upon a nail to dry, it swung, which looked ominous, and made an impression upon my fancy" (*Defence*, 290). The interchangeability between Reid's corpse and Boswell's corpus of writing on Reid is reinforced by Boswell's plan to recover and resuscitate Reid's body after execution.³³ Much like the process of resuscitation, which Boswell vividly describes as blowing one's "own breaths into the mouths of the *subjects*," his animation of Reid's ghost involves breathing life into his biographical subject by putting his own words into his client's mouth (*Defence*, 280, 292).

Boswell's composition of *The Mournful Case* was not occasioned by Reid's actual death on the gallows but rather an ersatz death of Reid's credibility as a client Boswell was willing to defend. On September 7, 1774, the day Reid was originally scheduled to be executed, Boswell received a letter that prompted him once again to question his client's innocence. Addressed directly to Reid and written by John Brown, the messenger who had been sent by the authorities to apprehend the sheep stealer, the

32. Turnbull argues that Boswell rejects a didactic Hogarthian pictorial narrative because it reinforces the "judicial spectacle [that] execution supports" ("Boswell and Sympathy," 111). For further discussion of Hogarth and his visualization of the criminal narrative, see Bender, *Imagining the Penitentiary*, 87–138.

33. Ellison argues that Boswell's plan to resuscitate Reid is related to the revision of execution scenes in his journal and in his *Hypochondriack* essay "On Executions" (1783). See "Boswell's Revisions of Death," 49–53.

letter implicates Reid for failing to identify Gardener as responsible for the theft during questioning. “[D]etermined . . . to know the truth,” Boswell attempts to draw a confession from Reid by impressing upon him the notion that he is already in a sense dead:

You hear that bell. . . . That you are to consider as your last bell. You remember your sentence. On Wednesday the 7 of September. . . . After this day you are to look upon yourself as a dead man; as a man in a middle state between the two worlds . . . not in eternity, because you are still in body but you are not properly alive, because this is the day appointed for your death. You are to look on this fortnight as so much time allowed to you to repent of all your wickedness, and particularly of your lying to me. (*Defence*, 304–5)

Asserting that Reid’s lies have invalidated his entitlement to the two-week deferment of his sentence, Boswell advises his client to consider his remaining days as a living death—an earthly purgatory where repentance might secure his soul’s salvation. Boswell’s admonition bears the marks of poetic fiction, echoing lines from Edward Young’s *Night Thoughts* for dramatic effect: “The bell strikes one! We take no note of time / But from its loss: to give it then a tongue / Is wise in man.”³⁴ Inspired by fortuitous timing (“The circumstance of the clock striking and the two o’clock bell ringing were finely adapted to touch the imagination”) to enact Young’s wisdom to record lost time, Boswell presses Reid also to consider his earthly posterity and author “a real account of everything.” Reid, unmoved by Boswell’s speech, only reasserts his innocence coldly. Realizing that Reid’s “unfeeling” testimony would fail to garner approbation from the public, Boswell gives Reid a golden “tongue” by ghostwriting an alternative account (*Defence*, 305–6).

“Taken from his own mouth”

The Mournful Case marks a turning point in Boswell’s representation of his criminal client. Supplanting the actual Reid with a ghostly successor, Boswell is less concerned with the minute and problematic particulars of “a real account” than with providing Reid with a broadly consistent and sympathetic narrative (*Defence*, 306). Compelled by Lord Advocate James William Montgomery’s appraisal that “the King’s business required that an example would be made of [Reid]” because he was not “a proper object of mercy,” Boswell begins the broadside by characterizing Reid as “poor misfortunate and unhappy” (*Defence*, 295, 308). Unlike other authors of criminal biographies who use these epithets to link unfortunate circumstances, such as poverty or poor judgment, with the malefactor’s descent into a life of crime, Boswell depicts Reid as an innocent victim of a series of misfortunes unconnected with criminal behavior

34. “Night the First, On Life, Death and Immortality,” in Edward Young, *Night Thoughts: or, The Complaint and the Consolation*, ed. Robert Essick and Jenijoy La Belle (New York, 1975), p. 3, lines 1.55–57. See Frank Brady, *James Boswell: The Later Years, 1769–1795*, (New York, 1984), 102n1.

(*Defence*, 308).³⁵ The spectral Reid's testimony casts him as a scapegoat for crimes committed by a man who cannot be punished: he is "by the malicious report of enemies . . . brought to trial" and is "a poor man unable to withstand" the accusations of sheep stealing against him, because there were "no witnesses present when he received goods" from William Gardner, "now a transported thief" and unable to "answer therefore." Boswell, speaking as Reid, further dramatizes his misfortune by imagining a tragic future in which Gardner confesses only after he is executed, "What will you say when Gardner's conscience smites him in America and he owns that I got the sheep honestly from him, and I am gone and I cannot be recalled?" (*Defence*, 308).³⁶ This hypothetical question attempts to startle its readership into action by suggesting that their protracted silence makes them complicit in Reid's unjust execution. By addressing the audience in the character of Reid's ghost, thereby eliciting pity and fear while capitalizing upon the broadside's abbreviated form to elide detail and eliminate contradictions, Boswell presents in *The Mournful Case* an idealized sketch of Reid as consistent and authoritative.³⁷

While the broadside claims that it offers a *true* account, what Boswell actually offers is a semblance of truth that molds circumstantial evidence into a credible narrative. In a journal entry dated September 14, 1774, Boswell reports that, when he collected *The Mournful Case* from the printer, he noticed that "*taken from his [Reid's] own mouth*" had been added to the heading of the broadside.³⁸ Although Boswell acknowledges that the statement is "a lie," he is unconcerned about misrepresenting his unauthorized account, because "it could do no harm" (*Defence*, 318). Boswell's flippancy does not demonstrate irreverence for the truth but rather indicates that truth operates differently within the conventions of the broadside account. As Andrea McKenzie notes, many criminal lives and confessions that purported to be true were actually "unauthorized; some partly or wholly fabricated; while all tended to be formulaic and scripted by the expectations of their audiences and the conventions of the time."³⁹ Boswell, while basing his rhetoric on criminal biographies, deviates from these other flagrant distortions of fact by highlighting the theatrical aspects of Reid's address. In *The Mournful Case*, the spectral Reid's request that the reader "think that it is my GHOST speaking" primes the reader to accept the broadside's testimony as performance. The declaration that the words are "taken from his own mouth" also can be

35. For the structure of such criminal biographies, see Faller, *Turned to Account*, 126. Foucault questions the use of categories such as "misfortune" to typify criminal accounts. See *Discipline and Punish*, 68.

36. Ellison, "Boswell's Revisions of Death," 53.

37. This is unlike his voluminous *Life of Johnson*, which allows Boswell to present in full, and thus rationalize, the contradictions of his biographical subject into a portrait incorporating an "authentic pattern of balances" (Nussbaum, "Boswell's Treatment of Johnson's Temper," 433).

38. The full title reads, "The Mournful Case of Poor Misfortunate and Unhappy John Reid, Now lying under sentence of death in the Tollbooth of Edinburgh, taken from his own mouth on Wednesday night, the 7th of September 1774, being the day fixed for his execution." See *Defence*, 318n6.

39. Andrea McKenzie, "The Real Macheath: Social Satire, Appropriation, and Eighteenth-Century Criminal Biography," *Huntington Library Quarterly* 69, no. 4 (2006): 592.

read as an accurate description of Boswell's ventriloquizing of his client's pre-mortem dying speech (*Defence*, 308, 318). Consequently, the broadside operates as a textual extension of Boswell's oratory in the courtroom, in which he assumes "feelings and passions of the character which he represents," but instead of speaking on behalf of his client, Boswell literally speaks *as* his client by authoring Reid's monologue.⁴⁰

The Mournful Case also bears the influence of theatrical depictions of ghosts, such as the ghost of Hamlet's father, who "walk[s] in death" (*Hamlet*, 1.1.138), much like Reid's ghostly avatar; remains in the "land of the living" (*Defence*, 308); and solicits the listener to avenge his "foul and most unnatural" death (*Hamlet*, 1.5.25). Boswell may have been seeking to produce a "striking effect" (*Defence*, 306) by replicating James Love's performance of the ghost of Hamlet's father, which according to Boswell inspired "the Audience with the deepest Sentiments of Horror."⁴¹ The broadside is presented as haunted by Reid's spirit, who will not be at rest until his account is told. The conceit was apparently inspired by Boswell's fear that the unhappy ghost of the executed Reid would come to haunt him. Recalling his angry outburst at Reid on September 7, 1774, Boswell confesses to feeling remorse:

I was too violent with him. I said, "With what face can you go into the other world?" And: "If your ghost should come and tell me this, I would not believe it." This last sentence made me frightened, as I have faith in apparitions, and had a kind of idea that perhaps his ghost might come to me and tell me that I had been unjust to him. (*Defence*, 306)

Here Boswell threatens Reid with the prospect of facing the afterlife as a liar, suggesting that Reid's spirit will neither obtain salvation from God nor elicit sympathy from even his most passionate advocate unless he tells the truth. This rhetoric, however, only stirs Boswell's belief in ghosts and their ability to seek revenge. Boswell's fear that Reid's ghost will haunt him for doubting his innocence is based on the idea of "second sight" (the supernatural vision that enables one to see the future or reveal previously unknown events from the past).⁴² Second sight often works in conjunction with ghostly testimony, as in the case of the ghost of Fanny Lynes, also known as the Cock Lane ghost, who, Samuel Johnson reported, "returned fifty-six years after her death to testify, through knocking and scratching sounds, to her murder by poisoning in 1705."⁴³ Boswell's "curious thought [to] write the case of John Reid as if dictated by himself on this day fixed for his execution" unites second sight with the convention of the dying speech to play on the superstitions of the broadside's readership and, as a consequence, lend supernatural credence to Reid's narrative (*Defence*, 306).

40. "Player," 469–70.

41. Boswell, *A View of the Edinburgh Theatre*, 12.

42. For a discussion of "second sight" in the context of Samuel Johnson's *Journey to the Western Islands of Scotland* (1775), see Wickman, *Ruins of Experience*, 141.

43. Wickman, *Ruins of Experience*, 147.

In *The Mournful Case*, Boswell authorizes Reid's account by emphasizing the veracity and weight that is accorded to dying words. As a man with nothing to lose in this life and as a sinner fearing his fate in the next, the condemned criminal was expected to be candid in speaking out against the law and saint-like in repentance for his crimes, taking upon himself the "Duty both to God and Man . . . to clear the Innocent."⁴⁴ Presenting the preamble to his speech as a dying man mounting the scaffold, the spectral Reid makes similar claims to truth, but instead of saving an innocent from a similar fate, he asserts his own innocence: "But before I go hence and be no more, I trust you will hear the words of truth, and peradventure your minds may be changed." By characterizing the account as "words of truth," Boswell validates his client's testimony as evidence that will discredit what the ghostly Reid calls the "cry . . . made against me" (*Defence*, 308).

Boswell relies heavily on his own construction of Reid's moral character to make *The Mournful Case* plausible, downplaying details that could bring this spectral testimony under scrutiny. The ghostly Reid's "words of truth" avoid any solid assertion other than that of his own innocence, which he claims was cast into question by his inability to bring Gardner, the real culprit, to justice: "I am condemned because some of these sheep were found in my flesh-house and I could not bring downright probation of him from whom I came by them" (*Defence*, 308). The broadside, however, never elaborates on *how* Reid is certain that Gardner is involved in the theft of the nineteen sheep. Although Brown's letter regarding Reid's unwillingness to accuse Gardner had originally prompted Boswell to suspect that "John had been lying" when he said "he got the sheep from Gardner without suspicion," Boswell rewrites this ambiguous testimony in Reid's favor, claiming that "John Brown, the messenger in Linlithgow, can attest" to his innocence (*Defence*, 304, 308). By streamlining this testimony into a coherent narrative trajectory that exculpates Reid, the broadside concludes by assigning blame for Reid's fate to a faulty legal system.

The Mournful Case critiques the legal system for allowing innocent men to be sentenced and punished as criminals. The spectral Reid implies that as a victim of misfortunate circumstances, the law *ideally* should be on his side, but instead he is tried by those already prejudiced against him: "But I see that my being tried two times before, though cleared by juries, many of whom, now alive, can bear testimony for me, has made me be thought guilty at all events" (*Defence*, 308). This claim is not unsubstantiated, since Lord Justice-Clerk Thomas Miller is reported as criticizing the acquittal of Reid in his 1766 trial. Miller claims that although Reid's innocence "was a moral impossibility," he was acquitted because Boswell, who "likes to distinguish himself upon such occasions, patronized the prisoner's defence" (*Defence*, 296n4). Unsurprisingly,

44. *A Select and Impartial Account of the Lives, Behaviour, and Dying Words, of the Most Remarkable Convicts*, 2 vols. (London, 1760), 2:336. See Foucault, *Discipline and Punish*, 60, 67. Boswell recounts that he "resolved to know the truth by being with him [Reid] to the very last moment of his life, even to walk a step or two up the ladder and ask him then . . . for if he should deny *then*, I could not resist the conviction" of his innocence (*Defence*, 293).

when Miller sat on the High Court of Justiciary for the 1774 trial, he found Reid guilty (*Defence*, 238). Reid's "mournful case" not only decries the injustice of being determined guilty prior to his trial but also implies that he is denied a third acquittal to serve as an example for other sheep stealers. In Boswell's record of the judges' deliberation over Reid's sentence, Lord Kames offers a pragmatic approach to determining punishment, which the other judges rejected:

I have no doubt that theft of nineteen, nay of nine, <is> capital. If not, as my brother [that is, fellow judge] said, <it> would be dismal, as we could not repress it. And there would be no remedy. 'Tis done by low people. They cannot make reparation. I should like that better. At <the> same time, as we have no act making it capital, though we have had long practice, I'm for indulging [Boswell]. (*Defence*, 254; words in angle brackets supplied in original)

Although Kames acknowledges that capital punishment for sheep stealing is meant to deter potential thieves from preying on the unguarded property of farmers, he suggests that enforcement should be tempered by individual judgment. Kames implies that if punishment through financial reparation were possible instead of execution he "should like that better," and calls into question the necessity of enforcing a punishment that is beholden to tradition rather than statute.⁴⁵

By depicting the spectral Reid as addressing the failures of the legal system and rallying for a shift in the locus of judicial power and the definition of justice, Boswell calls on the common people to champion Reid. Rather than addressing his complaint to the High Court of Justiciary or to the king, Boswell extends Reid's appeal to the reader: "May all good Christians, then, charitably pray that as the King's heart is in the hand of the Lord, and he turneth it whithersoever he will, it may please him to save from an ignominious death, which can do harm to no man" (*Defence*, 308–9). Boswell here is playing upon the convention of criminal biographies to close with the malefactor's request that the audience "pray for [his] departing Soul," or alternatively, pray that they do not "come to the same End."⁴⁶ In *The Mournful Case*, the ghostly Reid empowers the reader to use prayer to turn the heart and the hand of both living and divine authority. While Boswell solicits the reader to influence providence, he also suggests that Reid being previously saved from an "ignominious death" is proof that the "hand of the Lord" has already acted in his favor (*Defence*, 309). This calls to mind the failed executions of convicts, such as Margaret Dickson, whose recovery from hanging is interpreted as proof of her innocence by the *Newgate Calendar*:

45. A record of eighteenth-century cases in the *Principles of the Criminal Law of Scotland* illustrates that "the theft of *one* sheep, indeed, has been found relevant only to infer an arbitrary punishment . . . but the theft of *more* than one sheep has always been deemed a capital offence." See Sir Archibald Alison, *Principles of the Criminal Law of Scotland* (London, 1832), 309–10.

46. *A Select and Impartial Account*, 1:275, 54.

The observation to be made on this uncommon affair amounts to no more than a lesson of caution to juries to be careful [*sic*] how they convict the culprit on circumstantial evidence . . . her steady denial of her guilt after her wonderful escape from the grave, is strong presumptive argument that she was not guilty.⁴⁷

Boswell mentions “Maggy Dickson” to Reid, which not only serves to “familiarize his mind” to the idea of executions but also connects Dickson’s physical recovery and Boswell’s aspirations to save Reid from the scaffold. Much like Dickson, Reid is a victim of “the uncertainty of circumstantial evidence,” and is just as worthy of a dramatic turn of events (*Defence*, 289, 288, 306). Boswell’s model of justice in this instance does not conform to legal precedent but to an inverted form of poetic justice in which providential reward indicates the moral virtue (or at least, the potential moral virtue) of a character. Boswell is, here, drawing on the morally ambiguous but happy ending of *The Beggar’s Opera*, in which the extradiegetic demands of the audience lead to Macheath’s reprieve.⁴⁸ Although Boswell is unable to refashion Reid as Macheath, *The Mournful Case* supplies Reid with a character similarly deserving of a happy end. Most significantly, the broadside’s request for the reader’s participation in praying for this outcome transforms spectators and readers into willing actors and authors.

☞ “Bestow’st thy care upon the silent dead”

While Boswell was unable to attain a commutation of the sentence from the king and abandoned his plans to resuscitate Reid’s corpse, his published accounts following Reid’s execution on September 21, 1774, attempt to preserve his client’s innocence for posterity. In a letter to the *London Chronicle* dated September 23, 1774, Boswell characterizes Reid as heroic, highlighting his assertions of innocence in the face of intense interrogation, and portraying his final declamation as a bold, unequivocal attack on the failure of legal justice:

This forenoon, in particular, every effort was used to make him [Reid] confess if he really was guilty: He was again and again told, in the most solemn manner, that he could not hope for mercy, if he went into the other world with a lie in his mouth; but he still declared his innocence, while, at the same time, he was, to all appearance, most sincere and fervent in his devotions, and in penitence for the sins which he acknowledged. . . . When upon the ladder, with the rope about his neck, just as he was turning over, and dropping into eternity, his last words were, “Mine is an unjust sentence.”⁴⁹

47. *The Malefactor’s Register; or, the Newgate and Tyburn Calendar*, vol. 2 (London, 1779), 156.

48. See John Gay, *The Beggar’s Opera*, ed. Bryan Loughrey and T. O. Treadwell (New York, 1986), 120–21 (act 3, scene 16).

49. Boswell, “Extract of a letter from Edinburgh, Sept. 23 [1774],” *The London Chronicle* 36, no. 2778 (from Tuesday, September 27, to Thursday, September 29, 1774): 311.

As in *The Mournful Case*, Boswell provides a synthesized account that glosses over problematic details, while his journal entries provide a full, unexpunged report. The entries reveal that the “effort . . . used to make [Reid] confess” was exerted by none other than Boswell himself and resulted in Reid confessing to two unconvicted thefts of sheep, leaving Boswell to ponder over the justice of Reid’s execution and conclude that “it was *legal*” (*Defence*, 329). Reid’s final muffled words, as described in Boswell’s journal, further complicate the justice of the sheep stealer’s execution. Without Reid alive to substantiate his statement, the public is left to squabble over interpretation: “the people were divided, some crying, ‘He says his sentence is *just*.’ Some: ‘No, He says *unjust*.’” The scene is thrown into such confusion that even Boswell must quell his doubts by speaking to a clerk who “asked the executioner . . . what had passed,” despite the resolution he made an hour earlier to believe in Reid’s innocence (*Defence*, 335).

By depicting this scene in his journal, Boswell intimates that when the dead lose all power to communicate for themselves, the living gain full control over their representation. This sentiment is further expressed in lines from the opening scene of John Home’s *Douglas*, misquoted in an entry in Boswell’s journal written two days after Reid’s execution: “The *living* claim some duty; vainly thou / Bestow’st thy care [*sic*] upon the silent dead” (*Defence*, 337). Boswell changes the original “cares” to “care,” thus altering the meaning, from bestowing worry “upon the silent dead” to providing the dead with protection. Shortly after Reid’s death, Boswell authored another account of his client’s life and dying speech, published as a broadside on September 21, 1774, and entitled *The Last Speech, Confession and Dying Words of John Reid* (*Defence*, 306). Influenced by his presentation of Reid’s fictional dying speech in *The Mournful Case*, Boswell takes special care in the *Dying Words of John Reid* not to present Reid’s execution as a moralized example. The ending to Boswell’s *Dying Words of John Reid* differs significantly from the other two contemporaneous accounts of Reid’s life. The dying speech attributed to Alexander Ritchie, a layman who ministered to Reid, presents the sheep stealer’s final days as a scripture-inspired moral apotheosis, while the account written by the turnkey of Tolbooth, Richard Lock, offers a spurious confession of Reid’s guilt. Despite the contention over Reid’s innocence, these two broadsides end on a moralizing note, with the former contemplating the splendor of a Christian afterlife and the latter warning readers of the dangers of “vice and bad company.”⁵⁰

The *Dying Words of John Reid* deviates from these accounts in abstaining from didacticism and depicting Reid’s “last speech” as influenced by Boswell’s persuasive and theatrical courtroom oratory. Although Reid admits to being a “sinner” in the broadside, he maintains that he is innocent of the crime with which he is charged, and

50. Alexander Ritchie, “The Last SPEECH, CONFESSION and DYING WORDS of JOHN REID, Flesher in Hillend, Stirlingshire, for the Crime of Sheepstealing, who was Execute in the Gras-market of Edinburgh on Wednesday the 21st of September. 1774,” Boswell Collection, GEN MSS 89 66:1490 (Lg 24:3); and Richard Lock, “The SPEECH CONFESSION and dying Words of JOHN REID, who was Execut’d in the Grass-market of Edinburgh, on Wednesday the 21st of September 1774. For the Crimes of Sheep-stealing,” Boswell Collection, GEN MSS 89 66:1374 (Lg 24:5). Ritchie’s broadside ends: “My time draws near, may the Lord speak peace to my soul, as my hope is fixed on him alone . . . I die in peace with all the world. The Lord receive my soul into glory.”

thus characterizes his untimely death as a casualty of the flawed legal system: "I come to be deprived of this my natural life by sentence of law." In addition, Reid connects his "misfortunes" not to his own moral failings, but to his rejection of his wife's "advice and counsel . . . that my connexion with Gardner would be of bad consequences." Unlike in Ritchie's account, here Reid neither claims wisdom from his experience, nor a new-found spiritual serenity. Rather, Reid portrays the afterlife as a court that remediates the failures of earthly law with divine judgment: "both judges and jury are only accountable to the righteous Judge of all the earth." Ultimately, Reid equates heavenly salvation with legal justice in his "wish" that Boswell, advocate of "unfortunate panels," may find "when he comes to leave the earthly bar . . . a welcome reception from the righteous Advocate at the Father's right hand." Boswell's broadside ends with Reid, who professes to have "quietly submit[ted] to my awful fate," refusing to serve as a cautionary criminal tale and dramatically exiting an unjust world: "Adieu, vain world" (*Defence*, 348–49).



The journal entries, newspaper accounts, *The Mournful Case*, and *Dying Words*, which make up the corpus of Boswell's criminal biography of Reid, not only anticipate but also set a precedent for his future biographies, such as his journal account of the criminal biography of Margaret Caroline Rudd and, most significantly, *The Life of Samuel Johnson, LL.D.*⁵¹ The journal entries on Reid mark a transition in the autobiographical narrative structure that concomitantly demonstrates his emerging representation of the *biographical* subject. Felicity Nussbaum recognizes a similar shift in Boswell's idea of the autobiographical subject, suggesting that "After 1769 the memoranda largely disappear, their place usurped by rough notes that later evolve into parts of the journals. . . . The notes become apprentice work for the day's journal, and Boswell destroys them when he revises them."⁵² On June 25, 1774, three weeks prior to his first journal entry on Reid, Boswell recommits himself to Johnson's recommendation to "keep a Journal," noting that "I shall only put down hints of what I have thought, seen, or heard every day, that I may not have too much labour; and I shall from these, at certain periods make up masses or larger views of my existence" (*Defence*, 215). Drawing on the idea that these silent emendations work to erase the boundaries of the divided self, I want to conclude by suggesting that Boswell's account of Reid similarly bears the evidence of heavy revision, which serves to elide the division between the Macheath-like Reid of Boswell's invention, and the real-life Reid, represented in the journal as falling short of Boswell's idealization.⁵³ By reconciling fact with fiction, Boswell demonstrates his mastery of "double feeling" in using the medium of the page to perform the voice of the biographical character that he has created. As in his practice as an advocate, Boswell "distinguishes" himself as a biographer by delivering an account that, if not entirely

51. For Boswell's criminal biography on Rudd, see Turnbull, "Criminal Biographer: Boswell and Margaret Caroline Rudd," *SEL* 26, no. 3 (1986): 511–35.

52. Nussbaum, *Autobiographical Subject*, 111.

53. For discussion of the "divided self," see Nussbaum, *Autobiographical Subject*, 103–26.

authentic, is *authenticated* through convincing and emotive performance. The theatricality of Boswell's biographical account is epitomized by a scene from the *Life* that depicts Johnson as the ghost of Hamlet's father entering upon the stage:

At last, on Monday the 16th of May, when I was sitting in Mr. Davies's back-parlour, after having drunk tea with him and Mrs. Davies, Johnson unexpectedly came into the shop; and Mr. Davies having perceived him through the glass-door in the room in which we were sitting, advancing toward us,—he announced his awful approach to me, somewhat in the manner of an actor in the part of Horatio, when he addresses Hamlet on the appearance of his father's ghost, "Look, my Lord, it comes."⁵⁴

This description differs from the threadbare entry that appears in the *London Journal*, suggesting that sometime over the twenty-eight years that separate the two accounts, the afterlife had become deeply symbolic for Boswell.⁵⁵ By depicting Johnson as a ghost who soon materializes into substance, Boswell implies that the "past" several hundred pages of the *Life*, which are based on secondary sources, are merely "prologue" now that Johnson has entered into Boswell's acquaintance and under his narrative control.⁵⁶

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54. Boswell, *Life of Johnson*, ed. George Birkbeck Hill, rev. L. F. Powell, vol. 1 (Oxford, 1934), 391–92.

55. Turnbull, "Boswell in Glasgow," 174.

56. See Shakespeare, *The Tempest*, in *The Riverside Shakespeare*, 2nd ed. (Boston, 1997), 2.1.253.